

## **MINUTES**

### **PROPERTY AND RIGHT-OF-WAY COMMITTEE MEETING THURSDAY, JUNE 16, 2005 10:00 A.M. CITY HALL 8<sup>TH</sup> FLOOR – COMMISSION CONFERENCE ROOM**

#### **Members Present:**

Peter R. Partington, City Engineer  
Bob Dunckel, Assistant City Attorney  
Tony Irvine, City Surveyor  
Rose Reed, Community Inspections Supervisor, substituting for Lori Milano  
Jimmy Koeth, Principal Planner  
Tom Terrell, Maintenance Manager

#### **Staff Present:**

Victor Volpi, Senior Real Estate Officer  
Ed Udvardy, Manager of General Services  
Wayne Jessup, Architect  
Gary Gorman, Police Officer  
Gene Groves, Real Estate Officer II  
Eileen Furedi, Clerk II  
Rafeela Persaud, Word Processing Secretary

#### **Guests Present:**

Lawrence Kramer  
Mehdi Ahadpour  
David Alcott  
Virginia Orosz  
Jeff Stegeelsen  
Jiro Yates  
Josh Bailey  
Adam Grossman  
Alan Macham  
Heidi Davis

Peter Partington called the meeting at 10:10 A.M. and stated that this is a Committee with the responsibility of advising the City Commission on matters connected with City property.

Peter Partington stated one of the members of the PROW Committee, Greg Thornburg, Utilities and Distribution Collection Manager, was killed in an auto accident recently and would like to acknowledge the Committee's regret and appreciation for all the work Greg did for the City. Bob Dunckel stated that he was a fine addition to the Committee, a professional and a gentleman. Peter Partington called for 10 seconds of silence in memory of Greg Thornburg.

**ITEM ONE:**                    **APPROVAL OF MAY 19, 2005 MINUTES**

**MOTION BY TONY IRVINE TO APPROVE MINUTES, AS AMENDED. SECONDED BY BOB DUNCKEL. MOTION PASSED UNANIMOUSLY.**

**ITEM TWO:**                    **CITY PARK MALL, NEW TENANT PROPOSAL**

Address or General Location: 128 SE 1 Street (City Park Mall)

Victor Volpi introduced item stating that the City Park Mall has a vacancy and there were two applicants, one of whom has withdrawn his application. He stated the rent at the time the former tenant left was \$1,050.01 per month, with the estimated fees for refuse at \$33.04 per month, property taxes \$125.00 per month, and sales tax \$72.48 per month, for a total of \$1,280.53 per month. He said this will be the minimum bid for the office space and is comparable to what the other tenants are paying. He stated one applicant withdrew his proposal and the other tenant, Mehdi Ahadpour, would like to present his proposal for a recommendation to the Real Estate Office. Victor Volpi introduced Mehdi Ahadpour.

Bob Dunckel asked about the base rent. Victor Volpi stated that it would be \$1,050.51, which was not increased from the previous tenant. Bob Dunckel clarified that the new lease would be for 5 years with a CPI. Victor Volpi said that Dave Alcott who is a realtor and leases Downtown Travel showed the space. He said that Dave Alcott wanted a commission of \$6,019.98, 10% of a 5-year lease which would be a normal real estate commission for renting, if approved. He said that Mr. Alcott would like the City to pay the real estate commission. Victor Volpi introduced Mr. Mehdi Ahadpour.

Tony Irvine asked if the space was advertised through a listing service. Victor Volpi said no. Peter Partington said that this item would need to go to Commission for approval, regarding a proposal that a sign was placed at the site.

Mr. Ahadpour stated his company's name is Visage, which operates in Maryland and Texas. Mr. Ahadpour stated he has three beauty salons and one-day spa in Maryland and would like to start a business in Fort Lauderdale, and thought the City Park Mall would be good place for a business for lasik hair removal and cellulite lasik.

Victor Volpi stated that it would be a 5-year lease with an option to renew for 5 years, \$14.00 per square foot, with CPI increases each year.

Discussion followed regarding the rate change for a restaurant, the type of operation in the area, interest generated from the upscale neighborhood.

Peter Partington asked about the process of placing a for rent sign. Victor Volpi stated it varied and in this case, the sign was out for approximately 2 months, received two applications one of which was withdrawn. Victor Volpi explained that he received a phone call from Dave Alcott regarding the applicants' interest in the property. Victor Volpi confirmed Dave Alcott is a real estate broker and stated he had never paid a real estate commission before.

Bob Dunckel stated since there was nothing in writing, in his opinion, the real estate commission should be paid by the tenant.

Discussion followed regarding the real estate commission to Dave Alcott, Finance Department reviewing the business plans and financials, and the quality of tenant should be looked at as City has had tenants default.

**MOTION BY BOB DUNCKEL TO PROCEED WITH LEASE WITH MR. AHADPOUR, SUBJECT TO FINANCE REVIEW OF FINANCIALS AND CITY MANAGER OR FINANCE APPROVAL OF BUSINESS PLANS. SECONDED BY TOM TERRELL.**

Peter Partington said that this motion did not adhere to the financial arrangement with the realtor.

Tony Irvine asked the hours of operations. Mr. Ahadpour stated that the shop would open five days a week and Saturdays. Tony Irvine stated Visage would be a service to the residents and if the tenant would be compatible to have later hours of operation. Mr. Ahadpour stated as long as the mall was opened, his business would be opened.

**MOTION PASSED UNANIMOUSLY.**

Discussion followed regarding the realtor's commission of \$6,019.98 immediately following the signing of the lease, costs added in to the lease.

**MOTION BY TONY IRVINE TO RECOMMEND APPROVAL OF FULL PAYMENT TO THE REALTOR FOR HELPING THE CITY SECURE A TENANT FOR THE PROPERTY. SECONDED BY TOM TERRELL.**

Tony Irvine stated it would be unconscionable for the City to pay the real estate commission, the property was never advertised with a real estate commission, was not listed with MLS, and there would be open season to the City if president was set now.

Mr. Alcott stated a sign was placed in Downtown Travel for a space to lease and unknowingly, was listed with the Board of Realty. Mr. Alcott stated the proposed tenant now was a result of another realtor. Mr. Alcott said Mr. Ahadpour was once interested in both locations. Mr. Alcott stated that the City was authorized to pay real estate commission to legitimate real estate offices and he has been a realtor for 35 years.

Discussion followed as to the sign placed in Downtown Travel, the sublease space at Downtown Travel, no contract from the City for representation, discussions/meetings with Victor Volpi and Ed Udvardy over several months, and any legal obligation to pay the real estate commission.

Bob Dunckel said there could be a motion to reconsider the original motion which would be an option available to build into the lease. Peter Partington asked Mr. Alcott what if, going forward, the City Manager agreed to not pay the fee. Mr. Alcott said that he has earned it and was entitled to it and he would propose to add to the basic lease. Tony Irvine said that there was a moral obligation to the taxpayers to not pay Mr. Alcott and was opposed to the City paying the real estate commission. Bob Dunckel said that Mr. Alcott has been a good, honest player in the community for many years and unfortunately, there was no legal obligation to pay the real estate commission. Bob Dunckel stated a message needed to be sent to the brokerage community that if they would proceed at their own peril

make sure that proper procedures are followed and in advance. He said MLS could be used in the future for City Park Mall. He said this was a result of honest discussions between everyone. He stated he was prepared to vote against the motion.

Mr. Alcott read Article 8, Public Property which stated "the City of Fort Lauderdale is hereby authorize to pay real estate commission to any registered real estate broker ...". Bob Dunckel stated there was no written agreement to begin with.

Discussion followed as to someone else to review this item and to make a decision, the results if item was voted down, if tenant would want to pay \$15.40 per square foot instead of \$14.00, motion for reconsideration of the first motion, the option for the City Manager to pay the real estate commission, Bob Dunckel's recommendation to City Manager via a memo to indicate that the tenant was willing to pay \$15.40 if the City commission deems paying the brokerage commission, and the consequences if tenant left before the 5 years .

Peter Partington asked the tenant if he would be willing to pay \$15.40 per square foot for the City's property. Mr. Ahadpour said yes. Bob Dunckel said he was not in support of the notion of reconsidering the motion for the tenant to pay \$15.40, that there would be a better chance of success for the operation at \$14.00 per square foot. Victor Volpi said that the prospective tenant was not obligated to accept.

Discussion followed as to what the consequences would be if the commission to the Real Estate broker were to be paid up front and tenant breaks lease during the 5-year period.

**MOTION FAILED UNANIMOUSLY.**

**ITEM THREE:            VACATION OF AIR RIGHTS ALLEY BETWEEN NE 2 AND 3 AVENUES,**  
**NORTH OF NE 5 STREET**

Address or General Location: alley between NE 3 Avenue and NE 2 Avenue, on NE 5 Street

Victor Volpi introduced item stating that this project has been before the PROW Committee twice before – once to recommend vacations of portions of this alley while retaining some areas as easements, and the second time to recommend approval of a proposed overpass area. He stated that now, the developer would like a positive recommendation to vacate the air rights over the alley as the building itself would be constructed over 40-feet of it. Victor Volpi introduced Larry Kramer, Sterling International.

Mr. Kramer stated that the technical aspects would not be changed, there were legal issues involved in making the vacation of air rights. Mr. Kramer said previously, the document written was a pedestrian overpass which was a revocable license agreement, and after meetings, the revocable license would not work. Mr. Kramer said they were before the PROW Committee to clarify the issue and to write a document with regard to the air rights so that the property could be developed 18 feet above the alley.

Bob Dunckel stated at the last meeting, he believed that a pedestrian overpass was discussed and what was being built over the alley was 3 levels of height, three lofts which would be residential units. He said if a revocable license agreement was issued, the applicant would not be able to finance the

building. He said the alternative was to vacate the air rights and Planning and Zoning (P&Z) Department would be drafting the instruments, and then to the City Commission which would vacate the air rights and the applicant would then own the air rights 18-feet above the alley, by operation of law. Bob Dunckel stated he had previously recommended to apply for a complete vacation and rededication below 18 feet as oppose to the alternative of vacating from 18 feet above.

**MOTION BY BOB DUNCKEL TO APPROVE. SECONDED BY TOM TERRELL.**

Jimmy Koeth questioned about this item going to the P&Z for a vacation and the process. Peter Partington asked about any utilities being safeguarded. Tony Irvine said that there were two ways and the applicant may want to lean towards the full vacation and then rededication of the alley. Peter Partington questioned about this item setting a president to allow applicants to build across public rights-of-way.

Discussion followed as to other areas where air rights were vacated/leased.

Jimmy Koeth stated that part of Planning and Zoning general policy was not to support any vacations and air rights vacation to this extent because it ran against the Downtown Master Plan as far as air, light, pedestrians, maintaining the grid, and vehicles. He said that on this particular block, the alley was previously vacated and in this case, Planning would support this item.

**MOTION PASSED UNANIMOUSLY.**

**ITEM FOUR: VACATION OF RIGHT-OF-WAY, NW 7 AVENUE**

Address or General Location: southwest corner of NW 7 Avenue and NW 4 Street

Victor Volpi introduced item stating that John Hill would like a positive recommendation to vacate the 10-feet of right-of-way that his corporation deeded to the City on May 20, 2000. He said the property is not needed for right-of-way and all of the improvements (sidewalk, curb, gutter, etc.) have been constructed on the previously dedicated 10-feet, as shown on the survey. He said that Tim Welch, Engineering Design Manager, has advised he has no objections to this vacation.

There were no representatives for this item.

Peter Partington stated that the City had asked for additional right-of-way in anticipation of the widening of 7<sup>th</sup> Avenue, in connection with the design of the 7/9<sup>th</sup> Connector. He said with the finalization of the design, the additional right-of-way was not needed. He said it was honourous of Mr. Hill for the dedication and was preducial to his development and have no problem in giving back the land. Bob Dunckel stated that it was looked at extensively by staff and was not no longer needed for public right-of-way.

Tony Irvine said he had a concern on 4<sup>th</sup> Street which had an additional 5-foot right-of-way easement and now was a part of the portion to be given back to be vacated and would kill the 50-foot corridor. Peter Partington said that the corner would have to be redrawn in order to maintain 5-feet on 4<sup>th</sup> Street.

**MOTION BY TONY IRVINE TO RECOMMEND APPROVAL OF VACATION OF THE 10-FEET OF**

**SURPLUS RIGHT-OF-WAY TAKING ON NW 7 AVENUE ADJACENT TO THE PROPERTY, BUT THE VACATION SHOULD MAINTAIN SEPARATION OF 25 FEET FROM THE CENTERLINE OF NW 4 STREET, ACROSS THE NORTH OF THE PROPERTY. SECONDED BY BOB DUNCKEL.**

Bob Dunckel stated that the survey would be redrafted.

Discussion followed regarding passing the motion with no representatives.

**MOTION PASSED UNANIMOUSLY.**

**ITEM FIVE:                    CLOSING OF RIGHTS-OF-WAY**

Address or General Location: NW 14 Street, between NW 2 Avenue and NW 3 Avenue; NW 14 Street, between NW 5 Avenue and NW 7 Avenue; and NW 15 Street, between NW 3 Avenue and NW 6 Avenue

Victor Volpi introduced item stating that Timothy Tavenner and the South Middle River Civic Association (SMRCA), as well as other property owners, would like a positive recommendation to fence off NW 14 Street, between NW 2 Avenue and NW 3 Avenue; NW 14 Street, between NW 5 Avenue and NW 7 Avenue; and NW 15 Street, between NW 3 Avenue and NW 6 Avenue while they continue the process of vacating these rights-of-way. He said at its meeting on November 20, 2003, the PROW Committee recommended approval of these vacations.

There were no representatives for this item.

**MOTION BY BOB DUNCKEL TO CONTINUE. SECONDED BY TOM TERRELL.**

**MOTION PASSED UNANIMOUSLY.**

**ITEM SIX:                    SURPLUS PROPERTY – 746 NW 11 AVENUE**

Address or General Location: 746 NW 11 Avenue

Victor Volpi introduced item that that Virginia Orosz would like a positive recommendation to sell the property at the corner of NW 8 Street and NW 11 Avenue. He said it is a vacant parcel, unbuildable, and Broward County has Quit Claimed their interest to the City. Ms. Orosz would like to landscape this parcel so that her property (Linden Apartments) abutting this parcel is enhanced. He said the Real Estate office suggests if the Committee should recommend selling, that the successful bidder combine this property with another larger, buildable parcel with a "unity of title" (or other) document so this will not happen again. Victor Volpi introduced Virginia Orosz.

Ms. Orosz stated it was a 25-foot lot that abutted the apartment building. Ms. Orosz stated the apartments did not have any backyard and would like to add the lot to the apartment so the tenants could have some open space and make their quality of life a little better. Ms. Orosz stated this was a low-income housing. Ms. Orosz stated the lot had collected garbage over the years, had not been on the tax roll for 10 years or more and if item was approved, the lot would be on the tax roll, it would be cleaned up and fenced. Ms. Orosz stated that it would be an advantage to the City due to outstanding

liens and would not have to worry about cleaning the area.

Bob Dunckel asked about the asphalt. Ms. Orosz stated it would be all removed and landscaped. Bob Dunckel explained that "unity of title" was used for zoning purposes and has never seen a unity of title from this perspective. Tony Irvine said if the parcel maintained a "unity of title", the parcel would have to be sold as a buildable lot at any time.

Discussion followed as to "unity of title", improvements for Linden apartments, combining the parcels, preserving a right-of-way on 8<sup>th</sup> Street (from 40 feet to 50 feet). Bob Dunckel suggested to retain 5-feet as fee simple, coupled with a license agreement with the purchaser so that the purchaser could use it.

Gene Groves said on owning two parcels, Broward County would combine the parcels identification with a letter.

**MOTION BY BOB DUNCKEL TO SURPLUS THE PROPERTY LESS THE 5-FEET ABUTTING NW 8<sup>TH</sup> STREET, TO BE RETAINED AS FEE SIMPLE, AND AS PART OF THE SURPLUS, THE CITY WOULD BE WILLING TO DO A REVOCABLE LICENSE AGREEMENT. SECONDED BY TOM TERRELL.**

Discussion followed as to landscaping and maintaining the 5-feet for pedestrian congestion, and divorcing the revocable license agreement, and purchaser putting up a fence along 8<sup>th</sup> Street on the surplus 20 feet.

**MOTION AMENDED TO DELETE REFERENCE TO THE REVOCABLE LICENSE. SECONDED BY TOM TERRELL.**

Discussion followed having a corner clip right-of-way as fee simple.

**MOTION AMENDED TO ADD TO MAKE SURE THAT THE FIRE HYDRANT, IF NOT LOCATED WITHIN THE RIGHT-OF-WAY AND IF NOT ULTIMATELY LOCATED WITHIN THE CORNER CLIP AS DETERMINED BY THE ENGINEERING DIVISION, TO RESERVE AN EASEMENT FOR THE HYDRANT. SECONDED BY TOM TERRELL.**

Ms. Orosz asked about the maintenance of the 5-feet. Peter Partington said hopefully, the City should maintain. Tony Irvine explained that in neighborhoods, usually the property owners would maintain the swale area. Peter Partington said that the City would not want extensive landscaping within the 5-feet. Tony Irvine suggested to convert the 5-feet to right-of-way. Peter Partington explained that the 5-feet fee simple would be converted to right-of-way which would be analogous to swale, with the frontager having the obligation to maintain it.

**MOTION PASSED UNANIMOUSLY.**

**ITEM SEVEN: SURPLUS PROPERTIES, 406 NW 21 TERRACE, 431 NW 21 AVENUE AND 1711 SW 12 AVENUE**

Address or General Location: 406 NW 21 Terrace, 431 NW 21 Avenue and 1711 SW 12 Avenue

Victor Volpi introduced item stating the Economic Development, Community Development, and CRA have no rise for the three properties described and shown in Exhibit D, which have been Quit Claimed from Broward County to the City. Two of these parcels are land locked, and one is unbuildable because its size. If the Committee recommends the sale of these parcels, the Real Estate office believes it is in the best interest of the City to have a "unity of title" or similar documents as prescribed by the City Attorney's office, recorded at the time of sale, so these escheatments are not likely to happen again. Victor Volpi introduced Gene Groves, Real Estate Officer II.

#### **1711 SW 12 Avenue**

Gene Groves explained that Jan Leeland had found out that the strip was an escheatment to the County and Quit Claim to City of Fort Lauderdale. He said that Jan Leeland would like to bid on the strip.

Discussion followed as to the three separate owners in permitting them to purchase the portion of strip contiguous to their property, flexibility in bids with other property owners, and contracts being written the City.

Tony Irvine suggested that the bids be available to purchasers that could combine the strip with a viable interesting parcel.

**MOTION BY TONY IRVINE TO RECOMMEND SUPRLUSING OF THE STRIP FOR SALE, WITH A CONDITION THAT THE SALE BE RESTRICTED TO CONTIGUOUS PROPERTYOWNERS. SECONDED BY BOB DUNCKEL.**

Gene Groves suggested the minimum bid be comparable to the average land values surrounding the strip. Victor Volpi said that there is a process in the charter, which has a market value appraiser.

Discussion followed regarding the minimum bid and the appraised value, and determining the best procedure to follow.

**MOTION AMENDED BY TONY IRVINE TO THAT THE MINIMUM BID FOR THE PROEPRTY BE NO LESS THAN 75% OF THE AVERAGE VALUE OF THE ADJOINING LAND VALUE. SECONDED BY BOB DUNCKEL.**

**MOTION PASSED UNANIMOUSLY.**

Bob Dunckel asked about the strips being landlocked. Gene Groves explained that in both cases, the people in front of strip owned it as a separate quit claim deed and was not conveyed the strip along with the sale, taxes were not paid and eventually by State law, became City's property.

#### **431 NW 21 Avenue**

Discussion followed as to parcels around the strip, and to explore the feasibility to acquire 428 NW 21 Avenue, Mr. Parrish's property.

**MOTION BY BOB DUNCKEL TO DEFER CONSIDERATION OF 431 NW 21 AVENUE AS A SURPLUS, AND TO EXPLORE THE FEASIBILITY OF ACQUIRING THE PARCEL TO THE WEST**



**OWNED BY MR. PARRISH, IN WHICH CRA/CITY MAY WANT TO OFFER FOR SALE. SECONDED BY TOM TERRELL.**

**MOTION PASSED UNANIMOUSLY.**

**406 NW 21 TERRACE**

Discussion followed as to restricting the bids to abutting property owners and ownership of property to the west.

**MOTION BY PETER PARTINGTON TO RECOMMEND SUPRLUSING OF THE STRIP FOR SALE, WITH A CONDITION THAT THE SALE BE RESTRICTED TO CONTIGUOUS PROPERTY OWNERS, AND THE MINIMUM BID FOR THE PROPERTY BE NO LESS THAN 75% OF THE AVERAGE VALUE OF THE ADJOINING LAND VALUE. SECONDED BY TONY IRVINE.**

**MOTION PASSED UNANIMOUSLY.**

**ITEM EIGHT:            VACATION OF A PORTION OF ALLEY AIR RIGHTS**

Address or General Location: alley between NE 3 Avenue and NE 4 Avenue, north of NE 4 Street

Victor Volpi introduced item stating Romac Investments Inc. and RBM Family Limited Partnership would like a positive recommendation to vacate the air rights over a portion of the alley between NE 4 and 5 Streets and NE 3 and 4 Avenues. He said they intend to build a 24-story, 164 units residential condominium and to retain the building over 105 feet of the alley, beginning at a minimum of 16 feet above grade of the alley.

Jiro Yates, Architect introduced Heidi Davis from Gunster & Yoakley, John Bailey and Alan Magum. Mr. Yates stated that their request was to get an approval for air rights. Mr. Yates stated they are building a 24-story, 164 units, a condominium project and located within the RACC District and there was an alley between NE 4 up to NE 5 Street. Mr. Yates explained the project via a slide presentation showing the alley access. Mr. Yates stated that they were working with Wayne Jessup within the guidelines of the Master Plan such as having the towers to front the main street and to hide the parking structure. Mr. Yates stated the alley would remain open, would be improved and widened. Mr. Yates stated that in analyzing the site, the idea was to push the towers to the side in order to have maximum lighting and ventilation. Mr. Yates said the other option was to split the tower over the alley but encountered a lot of problems. Mr. Yates said in the design process, safety issues and security access was looked at and the alley would be very well lit and cameras would be installed for surveillance. Peter Partington asked if the alley was one way. Mr. Yates said the alley was 15 feet and did not specify any direction. Bob Dunckel questioned the dedication of the 25-foot alley. Heidi Davis explained about service to sewers under the 15-foot alley and said there would always be an open travel lane for access. Ms. Davis said she was not sure about dedication. Mr. Yates explained the trash, the recycle bins and loading and unloading areas would not block the alley.

Discussion followed regarding what was east of the alley when traveling north, height of the open area, utilities in the area, different levels of height for the open space area, preserving and protecting the intent the alley for service.

Bob Dunckel clarified that the request was to vacate the air space 18-feet above grade. Ms. Davis said yes. Mr. Gorman asked if there was sufficient turnaround space to enter and exist the garage. Mr. Yates said yes. Mr. Gorman said one of his concerns was sufficient space for merging. Mr. Yates said there would be more space than required.

Bob Dunckel asked about a dedication of an additional 10-feet so the public would have rights to travel through. Ms. Davis said that should be no problem.

Discussion followed regarding the definition of an alley, exit from parking garage to a travel lane which should be a minimum of 20-feet for two way traffic, making the alley one-way southbound, having a right-of-way easement adjacent to the alley, creating a tunnel effect if another developer came to the Committee with the same plan for the same area, the master plan envisions on retaining the alleys, vacating the air rights from property line to property line, to preserve the ability to build the scale of project without losing the alley, placing the parking structure on one side.

Tony Irvine explained that the PROW Committee was not bound by president when approving applications.

Peter Partington summarized the discussions and explained that they are being told that the application may be a little over the top with respect to its interpretation with the Master Plan; the Committee was being advised that maybe too much of the air rights are extinguished in this proposal and the question was to whether to approve the vacation of the air rights. Bob Dunckel said that there may be other design alternatives and knowing that the proposal still has to go through P&Z and Development Review Committee (DRC) and to defer for further consideration. Peter Partington suggested to approve the vacation of air rights, subject to the air rights to be no more than 50% or 75% of the area of the alley.

**MOTION BY PETER PARTINGTON TO RECOMMEND APPROVAL OF THE IDEA OF VACATING THE AIR RIGHTS OF THE ALLEY ABOVE 18 FEET, SUBJECT TO AN ADDITIONAL 10-FEET OF THE SITE BEING PLACED BY CERTAIN MECHANISM, INTO THE PUBLIC DOMAIN (POSSIBLE TURNAROUND AREAS OR ADDITIONAL RIGHT-OF-WAY). SECONDED BY BOB DUNCKEL.**

Peter Partington said the Committee's recommendation was consistent with the design.

**Yeas:** Peter Partington, Tony Irvine, Bob Dunckel, Tom Terrell, Gary Gorman, Rose Reed

**Nays:** Jimmy Koeth

**MOTION PASSED**

Meeting adjourned at 12:58 p.m.